

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.


Marcela Auxiliadora RIBEIRO De Souza

Luciano FRANCISCO De Sousa

Case No.

3:19-mj-8620-MAT-(H2)

Defendant(s)

FILED
2019 SEP 25 AM 10:54
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 23, 2019 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

18 U.S.C 371

Offense Description

Two or more persons conspire to commit any offense against the United States, to defraud the United States, or any agency, in any manner or for any purpose.

This criminal complaint is based on these facts:

See Attached Affidavit

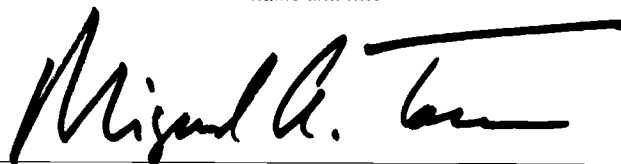
☒ Continued on the attached sheet.

Complainant's signature

Gilbert A. Campa, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/25/2019

Judge's signature

City and state: El Paso, Texas

Miguel Torres - U.S. Magistrate Judge

Printed name and title

Affidavit

On September 20, 2019, at approximately 6:47 p.m., Marcela Auxiliadora RIBEIRO De Souza (RIBEIRO) and Luciano FRANCISCO De Sousa (FRANCISCO) entered the United States (US) near the Paso Del Norte (PDN) Port of Entry (POE) in El Paso, Texas. RIBEIRO and FRANCISCO were accompanied by a minor female (M.C.D.S.). RIBEIRO and FRANCISCO were part of a larger group who were intercepted by US Border Patrol (USBP) agents, who subsequently arrested them once their immigration status was established. RIBEIRO, FRANCISCO, and M.C.D.S. presented themselves as a legitimate family unit to USBP agents, and presented Brazilian passports. On M.C.D.S.' Brazilian passport, RIBEIRO and FRANCISCO were listed as the parents.

On September 23, 2019, RIBEIRO was interviewed by Homeland Security Investigations (HSI) Special Agent (SA) Gilbert A. Campa and USBP Agent Fernando Morales. USBP Agent Bernardo Hernandez served as the Portuguese translator. USBP Agent Hernandez read RIBEIRO her Miranda Rights in the Portuguese language. RIBEIRO agreed to speak with agents without the presence of an attorney and signed the Miranda rights form affirming this. RIBEIRO was warned as to the charges she would face if she lied and/or provided false statements to federal agents during the course of the investigation. RIBEIRO was served with a "Title 18 United States Code, Section 1001" warning. RIBEIRO signed the form understanding all the elements and consequences. The following is a summary of statements made by RIBEIRO in sum, but not verbatim.

RIBEIRO stated she met FRANCISCO when they came to the US. They talked about 2 months prior when they obtained the passport for M.C.D.S. She looked for help crossing over and found a smuggler in Brazil to help her cross. She agreed to pay the smuggler \$1,000.00 USD per month for a total of \$15,000.00 USD. She is not the mother of M.C.D.S. The true mother of M.C.D.S. left the child with her 2 months prior so that the child would get accustomed to her as her mother. RIBEIRO would pay her smuggling debt once she started working in the US. The smuggler put her and FRANCISCO together 2 months prior in order to come to the US as a family unit. The smuggler obtained their information in order to secure a passport for M.C.D.S. Both their names are listed as the parents on the passport for M.C.D.S. The true mother of M.C.D.S. gave the smuggler the information for the child. RIBEIRO picked up the passport for the child at a mall in Brazil. RIBEIRO stated that she knew what she was doing was illegal, but she was unemployed and thought she would attempt coming to the US. M.C.D.S. was asked about FRANCISCO, and the child stated that he/she met FRANCISCO when they left Brazil. M.C.D.S. stated that FRANCISCO is a stranger to him/her.

FRANCISCO was interviewed by HSI SA Campa and USBP Agent Morales. USBP Agent Hernandez again served as the Portuguese Translator. USBP Agent Hernandez read FRANCISCO his Miranda Rights in the Portuguese language. FRANCISCO agreed to speak with agents without the presence of an attorney and signed the Miranda rights form affirming

this. FRANCISCO was warned as to the charges he would face if he lied and/or provided false statements to federal agents during the course of the investigation. FRANCISCO was served with a "Title 18 United States Code, Section 1001" warning. FRANCISCO signed the form understanding all the elements and consequences. The following is a summary of statements made by FRANCISCO in sum, but not verbatim.

FRANCISCO was asked for the name of his girlfriend and he stated his girlfriend's name is Daniela. FRANCISCO later changed the name to Marcela. FRANCISCO stated that he and RIBEIRO have been dating for 6-7 months. He stated that M.C.D.S. has been with RIBEIRO since the child was 3 days old. FRANCISCO stated that both he and RIBEIRO paid a smuggler in Brazil \$20,000.00 in Brazilian Reals to help them cross into the US. FRANCISCO stated he did not know it was illegal to present himself as a family and that he only wanted a better life. He is in a romantic relationship with RIBEIRO, but claims not to be the father of M.C.D.S.

USPB Agent Morales notified the United States Attorney's Office, who accepted Federal Prosecution for RIBEIRO and FRANCISCO on the charge of Title 18, United States Code, Section 371, Conspiracy to Defraud the US.

Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.